

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

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BOSTON AND MAINE	:	
CORPORATION,	:	
	:	
Plaintiff,	:	
	:	
-v.-	:	Civil Action No. 05-11656-RCL
	:	
MASSACHUSETTS BAY	:	
TRANSPORTATION AUTHORITY	:	
	:	
Defendant.	:	
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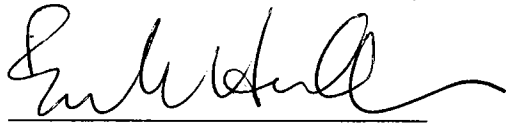
**ASSENTED TO MOTION TO RESCHEDULE
ORAL ARGUMENT**

By order entered July 27, 2006, this Court (Hon.Marianne B. Bowler, USMJ) has scheduled a hearing on the parties' cross motions for partial summary judgment for September 13, 2006. Counsel for the plaintiff, Boston and Maine Corporation ("B&M"), is scheduled to be out of the country that week and, with the assent of counsel for the defendant, Massachusetts Bay Transportation Authority ("MBTA"), hereby moves to reschedule the hearing.

Given the travel schedules of the Court and counsel, counsel hereby propose jointly that the hearing be rescheduled for the week of October 23 or October 31 (except the afternoon of November 2, when counsel for B&M has a hearing scheduled in this Court before Judge Stearns).

Respectfully submitted,

WINSTON & STRAWN LLP

By: 

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Boston & Maine Corporation

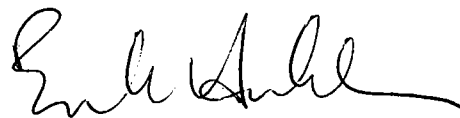
Robert B. Culliford (BBO#638468)
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Counsel for Plaintiff,
Boston & Maine Corporation

Dated: July 27, 2006

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on July 27, 2006.

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A handwritten signature in black ink, appearing to read "Eric L. Hirschhorn", written over a horizontal line.

Eric L. Hirschhorn